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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,720	09/26/2001	James A. Powell	17674 (13201US01)	9296

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Tyco Electronics Corporation  
4550 New Linden Hill Road  
Suite 450  
Wilmington, DE 19808-2952

EXAMINER

LEON, EDWIN A

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/963,720

Applicant(s)

POWELL ET AL.

Examiner

Edwin A. León

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/2/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-18, 24, 26, 30-34, 36-39, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-18, 24, 26, 30-34, 36-39, 41 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's Request for Reconsideration filed June 2, 2006 has been placed of record in the file.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15, 18-24, 26, 30-34, 36-39, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Czaja (U.S. Patent No. 4,717,360) in view of Bunn et al. (U.S. Patent No. 6,383,820). With regard to Claims 15, 26, and 30, Czaja discloses a connector device (10) comprising a first connector (10C) including a housing (body of 10C) having opposing sides (sides shown in Fig. 5) and a conductive device (IDC contact not shown, Column 3, Lines 32-50) mounted in the housing (body of 10C); and a second connector (10B) including a housing (body of 10B) having opposing sides (sides shown in Fig. 5) and a conductive device (IDC contact not shown, Column 3, Lines 32-50) mounted in the housing (body of 10B); at least one of the opposing sides

(sides shown in Fig. 5) of the first connector (10C) being removably connected to one of the opposite sides of the second connector (10B), whereby the first connector (10C) is separable from the second connector (10B) such that the first connector (10C) forms an individual connector unit. See Figs. 1-5 and 12-19.

Czaja discloses the claimed invention as shown above except for the use of ultrasonic weld to connect the first and second connectors.

Bunn et al. discloses the use of ultrasonic weld to join parts (42, 32) of an assembly. See Column 6, Lines 20-24.

Thus, it would have been obvious to one with ordinary skill in the art to modify the connector of Czaja by using ultrasonic weld as taught in Bunn et al. in order to attach the connectors provisionally (Abstract, Lines 13-17). The method limitations are deemed inherent and are rejected as shown above.

With regard to Claims 18 and 33, Czaja discloses the housings (bodies of 10B and 10C) being formed of a nonconductive material. See Figs. 1-5 and 12-19.

With regard to Claims 19-22, the combination of Czaja and Bunn et al. discloses the claimed invention except for the housings formed of a polycarbonate material, a polyester material, a polypropylene material, or the first connector housing being formed of one nonconductive material and the second connector housing being formed of a second nonconductive material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the housings of a polycarbonate material, a polyester material, a polypropylene material, or the first connector housing being formed of one nonconductive material and the second connector housing being

formed of a second nonconductive material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

With regard to Claims 23 and 31-32, Czaja discloses the conductive device (IDC contact not shown, Column 3, Lines 32-50) in each of the housings (bodies of 10B and 10C) is a crimpable device (IDC contact not shown, Column 3, Lines 32-50) adjacent to a channel (14) defined in each of the housings (bodies of 10B and 10C). See Figs. 1-5 and 12-19.

With regard to Claim 24, Czaja discloses the first (10C) and second (10B) connectors further including a crimping portion (14) capable of engaging the crimping device (IDC contact not shown, Column 3, Lines 32-50). See Figs. 1-5 and 12-19.

With regard to Claims 34, 39, and 41-42, Czaja discloses a connector assembly (10) for splicing cable with an automatic crimping tool (Column 3, Lines 32-50), the connector assembly (10) comprising: a plurality of nonconductive housings (bodies of 10B and 10C) joined to one another to form a connector stick (10), each of the housings (bodies of 10B and 10C) holding a conductive connecting device (IDC contact not shown, Column 3, Lines 32-50) and having at least one opening (14) for passage of electrical cabling (36) to the conductive connecting device (IDC contact not shown, Column 3, Lines 32-50), wherein the plurality of joined nonconductive housings (bodies of 10B and 10C) are separable from one another as the cable (2) is spliced there to form individual connector units each having cable (36) spliced thereto. See Figs. 1-5 and 12-19.

Czaja discloses the claimed invention as shown above except for the use of ultrasonic weld to connect the first and second connectors.

Bunn et al. discloses the use of ultrasonic weld to join parts (42, 32) of an assembly. See Column 6, Lines 20-24.

Thus, it would have been obvious to one with ordinary skill in the art to modify the connector of Czaja by using ultrasonic weld as taught in Bunn et al. in order to attach the connectors provisionally (Abstract, Lines 13-17). The method limitations are deemed inherent and are rejected as shown above.

With regard to Claim 36, Czaja discloses the housings (bodies of 10B and 10C) comprising first and second portions (sides shown in Fig. 5) movable relative to one another. See Figs. 1-5 and 12-19.

With regard to Claim 37, Czaja discloses each of the conductive connecting devices (IDC contact not shown, Column 3, Lines 32-50) comprising a crimping device (IDC contact not shown, Column 3, Lines 32-50). See Figs. 1-5 and 12-19.

With regard to Claim 38, Czaja discloses the housings (bodies of 10B and 10C) each comprising a channel (14) for receiving cabling (36), and a crimping device (IDC contact not shown, Column 3, Lines 32-50) proximate the channel (14). See Figs. 1-5 and 12-19.

***Response to Arguments***

4. Applicant's arguments filed June 2, 2006 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the Bunn et al. reference is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the Bunn et al. reference deals with the use of ultrasonic welding to enable separation of components by an operator even when components are assembled which is the same problem that the actual application tries to solve.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

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where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is the Examiner's opinion that one with ordinary skill in the art would find obvious to modify the connector of Czaja by using ultrasonic weld as taught in Bunn et al. in order to attach the connectors provisionally.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

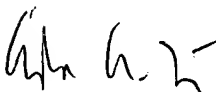
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (571) 272-2008. The examiner can normally be reached on Monday - Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800, extension 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Edwin A. Leon  
AU 2833

EAL  
July 22, 2006

TRUC T. NGUYEN  
PRIMARY EXAMINER

